

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 2:04-cr-00027-MR-WCM-1**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
ROGER DALE CHARLES, II,)	
)	
Defendant.)	
_____)	

THIS MATTER is before the Court on the Defendant's letter, which the Court construes as a motion for the appointment of counsel [Doc. 127], and the Defendant's *pro se* letter [Doc. 128], which the Court construes as a motion for reconsideration.

On February 10, 2021, the Defendant, through counsel, filed a motion for reduction of sentence pursuant to the First Step Act of 2018. [Doc. 119]. On March 15, 2021, the Court granted the Defendant's motion in part and reduced his term of supervised release to eight years. [Doc. 124]. The Defendant's term of imprisonment remained unchanged. [Id.]. On April 1, 2021, the Defendant—now proceeding *pro se*—filed a Notice of Appeal. [Doc. 127]. Along with his Notice, the Defendant filed a letter, requesting the

appointment of counsel “so [he] can appeal the Court’s decision to den[y] [his] motion....” [Doc. 127 at 1]. Five days later, he filed the present letter, which the Court construes as a motion for reconsideration. [Doc. 128].


The filing of the Notice of Appeal [Doc. 128] divested this Court of jurisdiction over this matter. See Griggs v. Provident Consumer Discount Co., 459 U.S. 56, 58–59 (1982) (per curiam) (“The filing of a notice of appeal is an event of jurisdictional significance -- it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal.”). As such, the Court lacks jurisdiction to consider the Defendant’s motion for reconsideration and it is therefore denied.

As this matter remains pending in the Fourth Circuit, the Defendant’s request for the appointment is respectfully referred to the Court of Appeals.

IT IS, THEREFORE, ORDERED that the Defendant’s letter, which the Court construes as a motion for the appointment of counsel [Doc. 127], the Defendant’s letter [Doc. 128], which the Court construes as a motion for reconsideration, are **DENIED**.

Signed: July 19, 2021

IT IS SO ORDERED.



Martin Reidinger
Chief United States District Judge

